

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69745 of 2023

Arising Out of PS. Case No.-703 Year-2023 Thana- KHAGARIA District- Khagaria

Md. Mosam @ Md. Mausam S/O Md. Ahmad Resident of Village- Kutubpur,
P.O.- Mathurapur, P.S. - Khagaria, District - Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria P.S. Case No. 703 of 2023, registered on 13.07.2023 for the alleged offence under Sections 363, 366A/34 of the Indian Penal Code.

3. As per prosecution case, the minor cousin sister of the informant was kidnapped by the petitioner and co-accused Md. Sharif at the instance of other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The real fact is that there was love affair between co-accused Md. Sharif and the victim girl and she eloped with him



out of her sweet will. From the FIR it is clear that the victim girl and the co-accused Md. Sharif were apprehended by the police on the same day of occurrence, i.e., 12.07.2023 but no FIR has been lodged either by the police or at the instance of the victim girl and thereafter, the present FIR has been registered after due deliberation and concoction. From the statement of the victim girl recorded under Section 161 of the Cr.P.C. it is clear that the victim girl went out on her own but from certain place she was taken on motorcycle by the co-accused and the petitioner and she did not raise any alarm. Similar is the statement of the victim girl in her statement recorded under Section 164 of the Cr.P.C. Learned counsel further submits that the victim girl is aged more than 18 years and no case of kidnapping is made out. The petitioner is accused in one another case in which he is on bail. The petitioner is in custody since 14.07.2023 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and further considering the period of custody of the



petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court in connection with Khagaria P.S. Case No. 703 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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